

REMARKS

By the present communication, claims 1, 3, 5, 6, 9, and 10 have been amended merely to correct typographical errors. As amended, the claims are supported by the specification and the original claims and add no new matter. The Examiner's indication of allowable subject matter is acknowledged with appreciation. Claims 1-16 are pending.

A. Rejections Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 1-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants' regard as the invention, is respectfully traversed.

With specific reference to the definition of "L" in claims 1, 5, and 11, i.e., "...R and R' can cooperate to form a substituted or unsubstituted heterocycle optionally having one or more double bonds", it is submitted that this definition is clear and unambiguous. Those skilled in the art readily recognize that two of the substituents on a nitrogen atom, in this case R and R', can be taken together to form a nitrogen-containing heterocycle. Thus, it is respectfully submitted that it, contrary to the Examiner's assertion, it is clear as to what heteroatoms are present in this structure. Moreover, it is submitted that when claims 1, 5, and 11 are read in view of the specification, those skilled in the art can readily determine the heterocyclic rings that fall within the scope of the definition of "L".

Further with reference to claim 1 regarding the variables C1, R'' and R''', this claim has been amended to correct typographical errors, thereby rendering this issue moot. Specifically, C1 has been replaced with R1, and in claim 1 clause (b), R and R' have been replaced with R'' and R''', respectively. Indeed, it is clear from the specification that a linker connects R1 to an axial position (see, e.g., page 16).

With specific reference to the definition of the variables R₁-R₈ in claims 1, 5, and 11, it is submitted that this definition is clear and unambiguous. Indeed, Applicants

respectfully submit that the Examiner has provided no basis for calling into question the clarity of this definition. It is respectfully submitted that each term in the definition of the variables in question is explicitly defined in the specification (see page 4, line 26 to page 7 line 19). Thus, when the definition for variables R_1 - R_8 in claims 1, 5, and 11 is considered in view of the specification, those skilled in the art can readily ascertain the subject matter that falls within the scope of these claims.

With specific reference to claim 13, it is submitted that the definition “R’ = $(C_6H_5)_3C-$ ” is clear and unambiguous as written. It is respectfully submitted that “ $(C_6H_5)_3C-$ ” is the well known “triphenylmethyl” moiety, also known as the “trityl” moiety. In addition, Applicants respectfully disagree that the group “ C_6H_5 ” can represent a straight chain group. Instead, it is well established that “ C_6H_5 ” represents a phenyl ring, rather than a straight chain group.

With specific reference to claims 1 and 11, regarding the definition of “stability”, it is respectfully submitted that the claims are clear and unambiguous as written. First, it is submitted that claims 1 and 5 are drawn to methods for increasing stability, rather than claims 1 and 11. Thus, this issue will be addressed for claims 1 and 5.

Claims 1 and 5 recite that the methods are directed toward increasing stability in aqueous media of certain cobalt(III) Schiff base complexes. Indeed, the Co complexes described in the specification include a linker or chelator that binds to at least one axial ligand position of the complex. This ligand environment results in complexes having increased stability in aqueous solution relative to complexes that do not contain such linkers or chelators. Clearly, when claims 1 and 5 are read in view of the specification, those skilled in the art recognize that the term “stability”, as used in claims 1 and 5, refers to stability in aqueous solution, and it is the ligand environment that contributes to this increased stability relative to complexes that do not contain such a ligand environment.

Thus, it is submitted that there is no ambiguity associated with the use of the term "stability" in claims 1 and 5.

With specific reference to the term "comprising" as used in claims 1, 5, and 9, it is respectfully submitted that this term is clear and unambiguous as written. Applicants submit that "comprising" is the most commonly used transitional term used to connect the preamble of a claim to the body of a claim. Since this is a well-established transitional term, it is not clear as to the basis for the Examiner's rejection under 35 U.S.C. 112, second paragraph.

With specific reference to the phrase "...from about three to about eight CH₂ units...", the rejection is rendered moot since the second occurrence of the word "about" no longer appears in claim 9. In addition, claim 9 has been amended to include a period at the end of the claim.

With specific reference to the phrase "...R and R' cooperate to form an imidazole", it is submitted that this phrase is clear and unambiguous as written. Those skilled in the art readily recognize that two of the substituents on a nitrogen atom can be taken together to form an imidazole ring, a common heterocyclic structure. Thus, when claim 15 is considered in view of the specification, those skilled in the art recognize that one of the ligands in one of the axial positions can be an imidazole moiety, as recited in claim 15.

With specific reference to claims 3 and 4, it is respectfully submitted that both -NHR'R'' and -NR''R''' can represent an imidazole moiety. To more clearly convey this aspect of the invention, claim 3 has been amended herein.

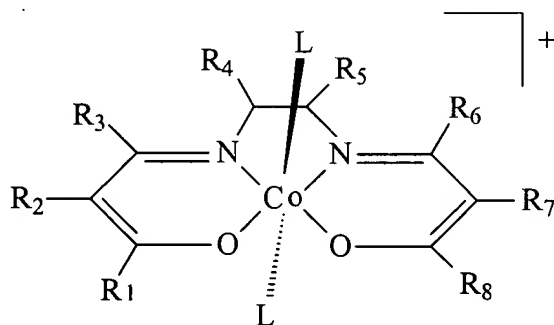
With specific reference to the structure in claims 5(b) and 10, it is respectfully submitted that these claims have been amended merely to correct a typographical error in the structure, thereby rendering the rejection moot.

For all of the reasons set forth above, it is respectfully submitted that the claims are clear and unambiguous as written. Accordingly, reconsideration and withdrawal of the rejection of claims 1-16 under 35 U.S.C. § 112, second paragraph are respectfully requested.

B. Rejection Under 35 U.S.C. § 102(b)

The rejection of claim 5 under 35 U.S.C. § 102(b) as allegedly being anticipated by Zvi, et. al. (PCT Publication No. WO 90/06119), is respectfully traversed. Applicants' invention, as defined by claim 5, requires a method of increasing the stability in an aqueous medium of a cobalt(III) Schiff base complex comprising:

- (a) obtaining a cobalt(III) Schiff base complex having the structure:



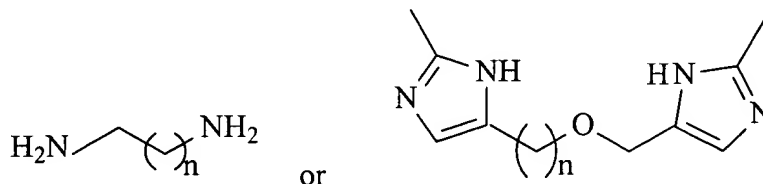
wherein a first axial position (L) and a second axial position (L) are independently selected from NHRR',

wherein each R and R' are independently selected from hydrogen and substituted or unsubstituted alkyl, substituted or unsubstituted alkenyl, substituted or unsubstituted alkynyl, substituted or unsubstituted cycloalkyl, ester, alkoxy, ether; or R and R' can cooperate to form a substituted or unsubstituted heterocycle optionally having one or more double bonds; and

R_1 , R_2 , R_3 , R_4 , R_5 , R_6 , R_7 and R_8 are independently selected from hydrogen, substituted or unsubstituted alkyl, substituted or unsubstituted alkenyl, substituted or unsubstituted alkynyl, substituted or unsubstituted cycloalkyl, ester, alkoxy, ether, hydrophilic organic acid, amine, alkyl amine, alcohol, and aryl; and

- (b) contacting the cobalt(III) Schiff base complex with a linker that connects the first and second axial positions,

wherein the chelator has the structure:



wherein n is 2, 3, 4, 5, 6, 7, or 8.

Zvi, et. al. does not describe such a method. In particular, Zvi, et. al. does not disclose or suggest method step (b) in claim 5, i.e., contacting the Co(III) Schiff base complex with a diamine chelator or a di-2-methyl-imidazole chelator. Thus, Zvi, et. al. does not describe each and every element of Applicants' invention as defined by claim 5. Accordingly, reconsideration and withdrawal of the rejection of claim 5 under 35 U.S.C. § 102(b), are respectfully requested.

Application No.: 09/828,499
Applicant: Meade et al.
Filed: April 6, 2001
Page 13

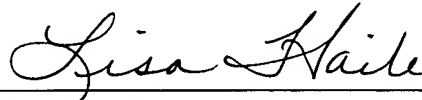
PATENT
Attorney Docket No.: CIT1370-1

CONCLUSION

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date: 10/30/03



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